

JOSHUA D. DUNLAP

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Admitted in: MA, ME, NH

July 9, 2021

VIA HAND DELIVERY

Caitlin Kellner, Manager of
Cumberland County Court Operations
Cumberland County Superior Court
205 Newbury Street
Portland, ME 04101

Re: *Caiazzo v. Bellows*,
Docket No. AP-21-13

RECEIVED

JUL 09 2021

Clerk's Office
Maine Supreme Judicial Court

Dear Ms. Kellner:

Enclosed for filing in the above-referenced action, please find Petitioner's Notice of Appeal and our check in the amount of \$175 for the filing fee.

Thank you for your attention to this matter.

Sincerely,


Joshua D. Dunlap

Enclosure

cc: Jonathan R. Bolton, Assistant Attorney General (via email only)
Adam R. Cote, Esq. (via email only)
Jeana M. McCormick, Esq. (via email only)
Sara P. Cressey, Esq. (via email only)

O'NEILL

MAINE JUDICIAL BRANCH

CHRISTOPHER J. CAIAZZO

V.

SHENNA BELLOWS

"X" the court for filing:

☒ Superior Court ☐ District Court☐ Unified Criminal DocketCounty: CUMBERLANDLocation (Town): PortlandDocket No.: AP-21-13

NOTICE OF APPEAL

☒ CIVIL ☐ CRIMINAL

I, (name of party appealing), Christopher J. Caiazzo appeal from the judgment, order or ruling entered in this proceeding on (date of order appealed from - mm/dd/yyyy) 07/06/2021. Any party who wishes to be heard on this appeal must file an appearance.

☒ This is a civil appeal.

☐ This case arises from the Maine Tort Claims Act requiring the clerk to send a copy of this Notice of Appeal to the Office of the Attorney General.

☐ If this is a criminal appeal, check one of the following:

- ☐ The defendant is presently confined at _____
- ☐ The defendant is not in custody. The defendant's address is: _____

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Clerk's Office
Maine Supreme Judicial Court

"X" THE APPLICABLE BOX:

☐ The Transcript Order form is attached.☒ No transcript will be ordered.

☐ No electronic or other recording of the proceedings can be prepared for this civil case. Therefore, a statement in lieu of transcript will be prepared pursuant to M.R. App. P. 5(d).

Date (mm/dd/yyyy): 07/09/2021

Address of Appellant or Attorney:

Pierce Atwood LLP254 Commercial StreetPortland, ME 04101

Signature of Appellant or Appellant's Attorney

Joshua D. Dunlap

Printed name of Appellant or Appellant's Attorney

If attorney, bar number: 4477

PLEASE NOTE: This Notice of Appeal must be filed in the court that issued the order appealed from. It will not be accepted or docketed unless (1) in a Civil case, it is accompanied by the required filing fee or a motion to waive the filing fee, and (2) if the appellant is represented, it contains the bar number of Appellant's attorney.

If this is an appeal from a civil case or a criminal case involving an adult defendant, this notice must be filed within 21 days of the entry of the judgment in the docket. If this is an appeal from a case involving the extradition of a fugitive to another state, this notice must be filed within 7 days of the entry of the judgment in the docket.

WARNING: Small Claims, Forcible Entry & Detainer and Juvenile matters have differing time limits for filing a Notice of Appeal. If this is an appeal from a Small Claims, Forcible Entry and Detainer or Juvenile matter, another form must be used which is available from the clerk.

ADA Notice: The Maine Judicial Branch complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation contact the Court Access Coordinator, accessibility@courts.maine.gov, or a court clerk.

Language Services: For language assistance and interpreters, contact a court clerk or interpreters@courts.maine.gov.

Date filed: 06/03/2021 CUMBERLAND
COUNTY

Justice John O'Neil Jr
Docket No. AP-21-013

Action: Rule 80C Appeal

Christopher J. Caiazzo

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JUL 09 2021

Clerk's Office
Maine Supreme Judicial Court
Vs.

Shenna Bellows as Secretary of
State

Intervenor (added 6/15/21)
Thomas B. Saviello

Appellee/Plaintiff's Attorney

Jared S. des Rosiers, Esq.
Joshua D. Dunlap, Esq.
Newell A. Augur, Esq.
Matthew O. Altieri, Esq.
% Pierce Atwood LLP
Merrill's Wharf
254 Commercial Street
Portland, ME 04101

Appellant/Defendant's Attorney

Jonathan R Bolton, Esq
Assistant Attorney General
Office of the Attorney General
6 State House Station
Augusta, ME 04333

Intervenor's Attorneys

Jeana M. McCormick, Esq
Adam R. Cote, Esq
Sara P. Cressey, Esq
Drummond Woodsum
84 Marginal Way, Suite 600
Portland, ME 04101-2480

Date of Entry
2021

June 3 Received 06/03/21.
Verified Petition for Review of Final Agency Action filed.
Filing fee of \$175.00 paid.

June 8 Received 06/07/21.
Joint Motion for Scheduling Order with Proposed Scheduling Order.

" " On 6/8/21.
Scheduling Order issued:
1. The agency shall produce its record by Wednesday, June 9.
2. Petitioner's brief is due Wednesday, June 16.
3. Respondent's brief is due Wednesday, June 23.

4. Petitioner's reply brief is due Monday, June 28.
Oral argument will be set between 6/29/21 and 7/2/21. See order for details.
Copies to parties/counsel 6/8/21.

June 10	Received 6/9/21. Agency Record filed pursuant to M.R. Civ. P. 80C(f).
June 14	Received 6/14/21 Unopposed Motion to Intervene of Thomas B. Saviello with Proposed Order filed.
" "	On 6/14/21 File sent to J. O'Neil for review.
" "	Received 6/14/21. Petitioner's Motion for Additional Evidence with Proposed Order filed.
June 16	On 6/16/21. Order on Motion to Intervene of Thomas B. Saviello filed. (O'Neil, J. signed 6/15/21) Upon review of the Unopposed Motion to Intervene of Thomas B. Saviello, pursuant to 21-A M.R.S. § 905(2), the Motion is hereby GRANTED. Copies to Parties/Counsel 6/16/21.
June 17	Received 06/16/21. Petitioner's Brief Requesting Reversal of the Secretary of State's Determination filed.
June 18	Received 6/18/21. Notice of Appearance of Adam R. Cote, Esq. on behalf of Intervenor filed. Notice of Appearance of Sara R. Cressy, Esq. on behalf of Intervenor filed. Notice of Appearance of Jeana M. McCormick, Esq. on behalf of Intervenor filed.
June 24	Received 6/23/21. Brief of Intervenor Thomas B. Saviello in Support of the Secretary of State's Decision filed.
" "	Received 6/23/21. Opposition of Intervenor Thomas B. Saviello to Petitioner's Motion for Additional Evidence filed.

“ “ Received 6/23/21.
Secretary of State’s Rule 80C Brief filed.

“ “ Received 6/23/21.
Secretary of State’s Opposition to Petitioner’s Motion to Take Additional Evidence filed.

“ “ On 6/24/21.
Order on Motion for Additional Evidence filed (O’Neil, J. 6/24/21).
Given that the records are already submitted and will not require a Testimonial hearing they may be considered part of the record. The issue of relevancy and materiality remain to be decided. Copies to Parties/Counsel 6/24/21.

“ “ On 6/24/21.
Hearing for Oral Argument scheduled for 6/29/21 @1:00 pm. Notice of Oral Argument filed. Copies emailed to parties 6/24/21.

June 28 On 6/28/21.
Petitioner’s Reply Brief in Support of its 80C Petition filed.

June 29 On 6/29/21.
Oral Argument Hearing held via Zoom. Justice O’Neil presided. Joshua Dunlap, Esq appeared on behalf of Petitioner. Jonathan Bolton, AAG appeared on behalf of Secretary of State Shenna Bellows. Jeana McCormick, Esq appeared on behalf of Intervenor. Digitally recorded 1:00:22 pm to 2:00:01 pm.

July 6 On 7/6/21.
Decision and Order filed (O’Neil, J. 7/6/21)
The decision of the Secretary of State is hereby AFFIRMED. The Clerk is directed to enter this order into the docket by reference pursuant to M.R.Civ.P. 79(a). Copies mailed/in-hand to Parties/Counsel 7/6/21.

July 09 Received 7/9/21.
Plaintiff’s Notice of Appeal of Order dated 7/6/21 filed and Appeal fee of \$175.00 paid. Date-stamped copies of the Notice of Appeal were sent to Counsel on 7/9/21.

“ “ On 7/9/21.
Canned copies of Plaintiff’s Notice of Appeal with Docket Record and Appeal Checklist sent to the Clerk of the Law Court on 7/9/21.